

NOTE TO FENSTEWALD, LESAR, LIVINGSTON, AND WEISBERG....

*I am subpoenaed as
state witness*

I think they are going to call me to the stand and ask these questions:

- 1) Did I accompany Robert Livingston to State Prison on two occasions to see Ray....Yes....no problems
- 2) Did I sign the ~~_____~~ visitor's card as "investigator"
Answer Yes....
- 3) then they are going to introduce a \$12 check I paid William Blackwell on Monday for xerox copies of court records pertaining to the Charles Q. ~~Stephens~~ incarceration in July and August 1968. They are going to ask ~~it~~ that is my check...
I will answer yes.
- 4) they will then ask me if I made available copies of those documents to the defense attorneys. I will answer yes....

Based on these answers, they will try to prove to Judge McRae ~~_____~~ that the defense attorneys for Ray have violated the court's protective order preventing attorneys on either side from leaking official documents to reporters or newsmen...

I think this argument will fail, because McRae's order only prohibited lawyers in the case from leaking pertinent documents and evidence ~~_____~~ to newsmen -- it did not prevent newsmen or ordinary citizens from providing evidence to the lawyers in the case. On the contrary, the premise and predicate of Judge McRae's broad discovery rulings would encourage all parties, especially those ~~_____~~ within the 100 mile territorial limit, with pertinent evidence to the hearing to step forward and cooperate.....CHASTAIN

Also, this gives Ray's attorneys on cross-examination an excellent opportunity to ask me about a telephone call I made to Haynes back in ~~_____~~ *August*, complaining about being accused of having a "conflict of interest" with Livingston. Haynes kidded around, and said as a ~~_____~~ *reporter* I should understand what ~~the~~ "art of advocacy" was all about and this sort of

thing was within the "permissible bounds of advocacy."

I also explained in that telephone call why I signed as an investigator. Livingston said Ray believed there was a leak in the prison, because everything an out of town newsman signed in the prison to try to see him, every TV station and both papers in nashville would send out a crew to camp out on the door step and hound him with requests for interview. Ray did not want my interview with him to be known ~~to~~ other media. I only told my city editor, and my personal attorney Henry Sutton that I was going to nashville to see Ray and my city editor said he did not tell anyone, not even the managing editor, that I had gone to nashville, and would not say anything more about the Ray, until I called him and told him the result of the interview.....

UNLESS THEY DECLARE ME A HOSTILE WITNESS, THE QUESTION OF PRIVILEGE WON'T ARISE....

If they do declare me as a hostile witness, the only questions about sources ~~will~~ can only come from my Computer articles, not any concerning articles for P-S. The reason for this is that the sources are all named in the P-S articles. Thus, if the questions concern only the Computer articles, then they will only hurt their case. I will not only reveal any source they ask.... my answers will hurt their case....CHASTAIN...